

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

VINCENT LEE BAKER,	§	
Petitioner,	§	
	§	
VS.	§	CIVIL ACTION NO.4:09-CV-208-Y
	§	
RICK THALER, ¹ Director,	§	
T.D.C.J., Correctional	§	
Institutions Division,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
(With special instructions to the clerk of court)

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2254 of petitioner Vincent Lee Baker, along with the July 20, 2009, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until August 10, 2009, to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the findings, conclusions and recommendation. The Court concludes that, for the reasons stated by the magistrate judge, the petition for writ of habeas corpus should be dismissed as a successive petition filed without the permission of the Court of Appeals as required by 28 U.S.C. §2244(b)(1).

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

¹As Rick Thaler has replaced Nathaniel Quarterman as the Director of the Texas Department of Criminal Justice, Correctional Institutions Division, he should be substituted as Respondent. FED R. CIV. P. 25(d)(1). The clerk of Court is directed to make this change on the docket of this case.

Petitioner Vincent Lee Baker's petition for writ of habeas corpus is DISMISSED WITHOUT PREJUDICE to his right to file a motion under 28 U.S.C. § 2244(b)(3)(A) in the United States Court of Appeals for the Fifth Circuit for leave to file a successive petition.

SIGNED September 10, 2009.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE